

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Implementation of Section 621(a)(1) of the Cable	)	MB Docket No. 05-311
Communications Policy Act of 1984 as Amended	)	
by the Cable Television Consumer Protection and	)	
Competition Act of 1992	)	

**COMMENTS OF THE REGIONAL EDUCATIONAL TELEVISION NETWORK, INC.**

The Regional Educational Television Network (RETN) appreciates the opportunity to file comments on the Second Further Notice and Proposed Rulemaking (“FNPRM”) in the above-referenced docket. Founded in 1991, RETN is a not-for-profit Educational Access television facility located in Burlington, Vermont, and serves the students, school districts and residents of eleven towns in the northwestern area of the state. RETN also works with the Vermont Agency of Education to provide video production services and distribution; partners with institutions of higher learning including the University of Vermont, Champlain College and the Community College of Vermont, to support student internships and student learning opportunities; and collaborates with local arts and non-profit organizations to capture and share community events. RETN operates four cable channels over two cable systems, reaching more than 20,000 cable subscribers and many more viewers via our website and OTT platforms. RETN strongly opposes the tentative conclusion in the FNPRM that cable-related in-kind contributions, such as those that allow our programming to be viewed on the cable system, are franchise fees.

RETN, like most of Vermont’s 25 Public, Educational and Governmental (PEG) Access facilities, supports the majority of its budget with franchise fee payments. A reclassification of

in-kind contributions, which may lead to a severe reduction or elimination of that franchise fee funding, would devastate our ability to serve the community and force us to make cuts to services and our staff of 15 employees. Our agreements with cable operators have always stated that certain services, including, but not limited to: complementary cable and Internet for schools, libraries, and municipalities, backhaul from remote origination sites, and channel capacity, are to be considered separate and distinct from franchise fee funding. A change in this classification now would fly in the face of decades of established structure and contracts, all of which have allowed PEG access to flourish and greatly benefit local communities. It would also jeopardize the local programming provided by RETN such as school board meeting coverage, school and community events, Vermont Youth Orchestra concerts and other arts programming. In addition to our television programming, RETN provides education and training for lifelong learners of all ages, access to the tools of video production, and assistance to community media makers to share their content with their neighbors, all at little or no cost. This work has become more urgent during a time of decline of local newspapers, and the consolidation of radio and television affiliates, as PEG channels are a lifeline for residents to connect to local news and events in their community. Losing funding from franchise fees means losing this invaluable tool for community engagement and learning. It will gut RETN's ability to provide these local media services as envisaged in the 1984 Cable Act.

We reject the implication in the FNPRM that PEG programming is for the benefit of the local franchising authority (LFA) or a third-party PEG provider, rather than for the public or the cable consumer. As demonstrated above, RETN provides valuable local programming that is not otherwise available on the cable system or in other modes of video delivery such as satellite. Yet the Commission tentatively concludes that non-capital PEG requirements should be considered

franchise fees because they are, in essence, taxes imposed for the benefit of LFAs or their designated PEG providers. By contrast, the FNPRM tentatively concludes that build-out requirements are not franchise fees because they are not contributions to the franchising authority. The FNPRM then requests comment on “other requirements besides build-out obligations that are not specifically for the use or benefit of the LFA or an entity designated the LFA and therefore should not be considered contributions to an LFA.”<sup>1</sup> PEG programming fits squarely into the category of benefits that do not accrue to the LFA or its designated access provider, yet the Commission concludes without any discussion of the public benefits of local programming that non-capital PEG-related provisions benefit the LFA or its designee rather than the public at large.

We invite the Commission to view for themselves the important benefits that flow from local television content and production training provided by PEG access centers. The link below is to a video documentary called *Mission to Learn*, about a project RETN conducted with Charlotte Central School students, NASA and the International Space Station. Sixth grade students spent the spring conducting their own research projects on some of the actual science experiments currently underway at the space station. NASA provided them the opportunity to do a live uplink with the ISS to ask the astronauts questions. RETN provided production support for the live uplink and it was cablecast live on NASA TV and RETN. Then students worked with RETN’s education and production teams to create short videos about their research and experience talking with the astronauts. In addition to the documentary, 22 student videos were produced and shared with the community. Here’s what Champlain Valley School District Instructional Coach Allan Miller says about the project in the documentary, “The whole idea

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<sup>1</sup> FNPRM ¶ 21.

behind the project was to get kids excited and engaged. We knew when we had the opportunity to connect live with the ISS that we had to provide a video feed that we didn't have anyone in the school or on our staff who knew how to set that up and that's where RETN has been fantastic to share their expertise."

*Mission to Learn*, the live ISS uplink television program, and all the student videos are available for viewing here: <https://www.retn.org/show/mission-learn-charlotte-central-school-and-retn>.

In summary, we believe this proposed rulemaking is simply an attempt to further limit the responsibilities of cable companies' to pay for their use of public rights-of-way to deliver a commercial service, and it undermines the spirit of historical decisions that required cable providers to provide community members access to the cable system. A re-classification of in-kind contributions will likely lead to the elimination of franchise fee funding and completely compromise RETN's ability to provide much valued services to our community.

We appreciate the opportunity to add to the record in this proceeding.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jess Wilson', with a long, sweeping horizontal line extending to the right.

Jess Wilson  
Executive Director

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